

DRAFT
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

16 September 2003

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Belvin J. Jessup, Yvonne J. Johnson, Robert V. Perkins, Thomas M. Phillips and Donald R. Vaughan. Absent: None. Also present were Mitchell Johnson, Assistant City Manager; Linda A. Miles, City Attorney; and Susan E. Crofts, Deputy City Clerk.

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The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The City Manager recognized Ron Jones, employee at War Memorial Coliseum, who served as courier for the meeting.

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Mayor Holliday outlined Council procedure for conduct of the meeting.

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Councilmember Johnson introduced and read into the record a resolution honoring the memory of the late Dr. Willa Beatrice Player.

Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

192-03 RESOLUTION HONORING THE MEMORY OF THE LATE DR. WILLA BEATRICE PLAYER

WHEREAS, on August 27, 2003, this community lost one of its outstanding leaders with the death of Dr. Willa Beatrice Player at the age of 94;

WHEREAS, a native of Jackson, Mississippi, Dr. Player moved to Ohio in 1917, attended Akron University, graduated from Ohio Wesleyan in 1929, received her MA from Oberlin College in 1930 and came to Greensboro that same year to teach Latin and French at Bennett College;

WHEREAS, Dr. Player studied abroad in 1935 receiving the Certificat D'Etudes from the University of Grenoble, France and was made Director of Admissions and Acting Dean, and in 1948 was awarded her Ph. D from Columbia University;

WHEREAS, her roles at Bennett College were many and included, Coordinator of Instruction in 1952; Vice President in 1955; acting President and then President in 1956 and was the first black woman in the country to serve as president of a four-year fully accredited liberal arts college, and upon her retirement, the Bennett College Trustees designated her President Emerita;

WHEREAS, serving under the Lyndon Johnson Administration, Dr. Player resigned from Bennett College to become Director of the Division of College Support, U.S. Office of Education, Department of Health, Education and Welfare, serving until her retirement in 1977;

WHEREAS, she was the first and “only one of her kind” in many leadership roles and was the first black cadet teacher (practice teacher) in the public schools of Akron, Ohio in 1929; became the first woman president of the National Association of Schools and Colleges of the Methodist Church in 1962; was the first black woman to serve as Trustee of Ohio Wesleyan and in 1966, she was the first woman leader in the Department of Developing Institutions in the U.S. Department of Health, Education and Welfare;

WHEREAS, the organizations, boards, commissions and national committees on which she served are numerous, some of which include, the National Commission on Religion and Race of the Methodist Church; the Board of Trustees of the Southern Fellowship Fund; the Commission of Liberal Learning of the American Association of Colleges; the Board of Trustees of Clark College; the Board of Trustees of the Charles Stewart Mott Foundation; and the Commission on Funding Black Colleges;

WHEREAS, Dr. Player received many awards and honors, including eight honorary doctorates, among them, Doctor of Laws, Morehouse College; Doctor of Humane Letters, Bennett College; Doctor of Humane Letters, University of North Carolina at Greensboro; Doctor of Laws, Ohio Wesleyan University as well as a long list of citations from national, federal and local organizations;

WHEREAS, her awards include the Presidential Leadership Grant to Japan, Carnegie Corporation of New York; the Superior Service and Distinguished Service awards from the U.S. Department of Health, Education and Welfare; the award for Outstanding Achievement in the field of Higher Education from the 28th annual convention of the National Council for Negro Women; and the Silver Medallion Award from the National Conference of Christians and Jews;

WHEREAS, Dr. Player was a member of St. Matthew’s United Methodist Church in Greensboro, and a member of First United Methodist Church in Akron, Ohio and has been identified with Methodism since early childhood, speaking throughout the country at mission schools, annual meetings and college seminars while a young professor and administrator at Bennett College, hosting the first fully integrated National Seminar for Methodist Women; assisting the United Methodist Woman in an interpretation of the Charter of Racial Policies and as President of the National Commission on United Methodist Higher Education;

WHEREAS, the City Council wishes to express its sense of loss and its sincere appreciation and gratitude for the many years of dedicated public service rendered by Dr. Willa Beatrice Player, the outstanding contributions she has made to the community, and the legacy she leaves.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby expresses, on behalf of the citizens of Greensboro a deep sense of loss and a feeling of respect and gratitude for the life of Willa Beatrice Player.
2. That a copy of this resolution shall be delivered by the family of the late Dr. Willa Beatrice Player as a symbol of the gratitude of the people of Greensboro for her many contributions to this community.

(Signed) Claudette Burroughs-White

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Councilmember Johnson presented a proclamation for Literacy Week to Linda Brown, niece of Dr. Player. She praised Ms. Brown's involvement in increasing literacy in the community.

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The Mayor stated that staff had requested a motion to continue item 12, a public hearing on economic development incentive funding, to a later date. After Assistant City Manager Brown advised that a meeting was being scheduled with industry representatives, City Staff and key representatives of the Lindley Park Neighborhood Association to share information and address concerns raised by the neighborhood; Councilmember Carmany advised that Guilford County was also scheduling a meeting. Councilmember Phillips requested that the entire neighborhood have access to the

information discussed in the meetings; Councilmember Johnson requested that Council be updated on the results of the meetings.

Councilmember Johnson moved that the public hearing be continued to October 8, 2003 without further advertising. The motion was seconded by Councilmember Burroughs-White and unanimously adopted by voice vote of Council.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits of property located at 3206 Horse Pen Creek Road-11.97 acres and introduced so that these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning Conditional Use-RM-8 Residential Multifamily to City Zoning Conditional District - RM-8 Residential Multifamily for property located on the south side of Horse Pen Creek Road between Carlson Dairy Road and Gray Bluff Court. He advised that these items were continued from the September 2, 2003 Council meeting.

C. Thomas Martin, Planning Department Director, outlined the proposals; he presented a land use map and slides of the properties and surrounding area.

After the Mayor asked if anyone wished to speak to these matters, no one present stated they wished to be heard.

Mr. Martin provided the following staff recommendations:

Item 7 – Horse Pen Creek Road

The Planning Department recommends that this original zoning be approved.

This property is the subject of a Utility Agreement and Annexation Petition.

At its July 16th meeting, the Planning Board unanimously recommended the annexation of this property.

This property is in the Tier 1 Growth Area.

Tier 1 or the Current Growth Area is where infrastructure systems are in place, can be economically provided and/or will be proactively extended and where continued annexation and consolidation of the City's development pattern will be encouraged over the next ten years.

A preliminary plat for 52 townhouses was recently approved by the County for this property.

There is a 24-inch water line in the street, as well as a 15-inch sewer line, and a private on-site sewage lift station will be required in order to pump up to the street.

This request carries forth the same conditions that were approved by the County.

The extreme southern portion of this property is just within the 60 DNL noise contour but conditions are in place which require the recording of an avigation easement as well as the use of sound-proofing construction methods.

The Generalized Future Land Use Map shows this area to be Low Residential (3-5 dwelling units/acre).

At 4.3 units per acre, this proposal is consistent with the comprehensive plan.

Councilmember Burroughs-White moved adoption of the ordinance annexing territory to the corporate limits of property located at 3206 Horse Pen Creek Road-11.97 acres. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-202 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 3206 HORSE PEN CREEK ROAD – 11.97 ACRES)

Section 1. Pursuant to G.S. 160A-58.1 et seq., the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro satellite corporate limits (as of July 31, 2003), said point being in the west line of Young Men's Christian Association of Greensboro, Inc., and also being the southeast corner of Morehead United Methodist Church; THENCE PROCEEDING WITH THE EXISTING SATELLITE CITY LIMITS S 03° 28' 53" W 94.51 feet to a point; thence S 07° 32' 07" W 173.75 feet to a corner with Laura B. and Reba M. Stanley, as recorded in Deed Book 2568, Page 298 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE SATELLITE CITY LIMITS N 86° 15' 06" W 57.71 feet along the east line of The Shadow Group, L.L.C., as recorded in Deed Book 5269, Page 1835 in the Office of the Register of Deeds, to a point; thence S 03° 37' 52" W 382.61 feet along the east line of The Shadow Group to its southeast corner; thence N 86° 13' 32" W 428.00 feet along the south line of The Shadow Group to its southwest corner; thence N 03° 12' 33" W 404.97 feet along the west line of The Shadow Group to a point; thence N 86° 42' 49" W 248.17 feet along the west line of The Shadow Group to a point; thence N 10° 57' 18" W 38.75 feet along the west line of The Shadow Group to a point; thence N 11° 27' 28" W 160.21 feet along the west line of The Shadow Group to a point; thence N 07° 14' 32" E 99.88 feet along the west line of The Shadow Group to a point; thence N 20° 52' 08" W 100.00 feet along the west line of The Shadow Group to a point within the right-of-way of Horse Pen Creek Road; thence N 65° 48' 11" E 521.28 feet to another point within the right-of-way of Horse Pen Creek Road; thence S 15° 23' 01" E 198.03 feet along the east line of The Shadow Group to a point; thence S 82° 14' 24" E 93.96 feet along the east line of The Shadow Group to a point; thence N 81° 51' 54" E 29.56 feet along the east line of The Shadow Group to a point in the west line of Morehead United Methodist Church; thence S 01° 29' 27" W 194.38 feet along the east line of The Shadow Group to the southwest corner of Morehead United Methodist Church; thence S 87° 02' 19" E 164.93 feet along the east line of The Shadow Group to the point and place of BEGINNING, and containing approximately 11.97 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after November 30, 2003, the liability for municipal taxes for the 2003-2004 fiscal year shall be prorated on the basis of 7/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2004. Municipal ad valorem taxes for the 2004-2005 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after November 30, 2003.

(Signed) Claudette Burroughs-White

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Councilmember Gatten moved adoption of the ordinance establishing original zoning classification from County Zoning Conditional Use-RM-8 Residential Multifamily to City Zoning Conditional District - RM-8 Residential Multifamily for property located on the south side of Horse Pen Creek Road between Carlson Dairy Road and Gray Bluff Court. The

motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-203 AMENDING OFFICIAL ZONING MAP

SOUTH SIDE OF HORSE PEN CREEK ROAD BETWEEN CARLSON DAIRY ROAD AND GRAY BLUFF COURT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Conditional Use – RM-8 Residential Multifamily to City Zoning Conditional District – RM-8 Residential Multifamily (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the existing Greensboro satellite corporate limits (as of July 31, 2003), said point being in the west line of Young Men's Christian Association of Greensboro, Inc., and also being the southeast corner of Morehead United Methodist Church; THENCE PROCEEDING WITH THE EXISTING SATELLITE CITY LIMITS S 03° 28' 53" W 94.51 feet to a point; thence S 07° 32' 07" W 173.75 feet to a corner with Laura B. and Reba M. Stanley, as recorded in Deed Book 2568, Page 298 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE SATELLITE CITY LIMITS N 86° 15' 06" W 57.71 feet along the east line of The Shadow Group, L.L.C., as recorded in Deed Book 5269, Page 1835 in the Office of the Register of Deeds, to a point; thence S 03° 37' 52" W 382.61 feet along the east line of The Shadow Group to its southeast corner; thence N 86° 13' 32" W 428.00 feet along the south line of The Shadow Group to its southwest corner; thence N 03° 12' 33" W 404.97 feet along the west line of The Shadow Group to a point; thence N 86° 42' 49" W 248.17 feet along the west line of The Shadow Group to a point; thence N 10° 57' 18" W 38.75 feet along the west line of The Shadow Group to a point; thence N 11° 27' 28" W 160.21 feet along the west line of The Shadow Group to a point; thence N 07° 14' 32" E 99.88 feet along the west line of The Shadow Group to a point; thence N 20° 52' 08" W 100.00 feet along the west line of The Shadow Group to a point within the right-of-way of Horse Pen Creek Road; thence N 65° 48' 11" E 521.28 feet to another point within the right-of-way of Horse Pen Creek Road; thence S 15° 23' 01" E 198.03 feet along the east line of The Shadow Group to a point; thence S 82° 14' 24" E 93.96 feet along the east line of The Shadow Group to a point; thence N 81° 51' 54" E 29.56 feet along the east line of The Shadow Group to a point in the west line of Morehead United Methodist Church; thence S 01° 29' 27" W 194.38 feet along the east line of The Shadow Group to the southwest corner of Morehead United Methodist Church; thence S 87° 02' 19" E 164.93 feet along the east line of The Shadow Group to the point and place of BEGINNING, and containing approximately 11.97 acres.

Section 2. That the original zoning from County Zoning Conditional Use – RM-8 to City Zoning Conditional District – RM-8 is hereby authorized subject to the following use limitations and conditions:

- 1) 50-foot minimum street setback along Horse Pen Creek Road.
- 2) The maximum number of townhouse units allowed shall be fifty-two (52).
- 3) An aviation easement will be recorded at the time of sale of a townhouse lot and unit granting aviation rights to the Piedmont Triad International Airport Authority and this easement shall be substantially in the form as indicated in Exhibit A.
- 4) For sound insulation, an acoustic engineer shall certify that the construction methods will be such that the average interior noise level in each dwelling unit, from airport traffic, will not exceed 45 DNL.
- 5) *There shall be a planting yard between the property and adjoining residences on the western and eastern boundaries of the property with a minimum width of twenty (20) feet. The planting yard shall consist of existing undisturbed vegetation and supplemented with vegetation approved by the City of Greensboro. In addition to the existing vegetation, adequate plantings shall be installed and located so as to obscure the buildings on the property from view as measured from the adjoining residences on the western and eastern boundaries. The additional plantings shall consist of ten (10) foot high Leyland Cypress trees planted eight (8) feet on center (or such plantings as may be approved by the City of Greensboro).*

- 6) The planting yard adjacent to Horse Pen Creek Road shall have a minimum width of twenty (20) feet and shall consist of existing vegetation and supplemented with plantings approved by the City of Greensboro. The additional plantings shall consist of a combination of the following (or such similar materials as may be approved by the City of Greensboro): three inch (3") caliper Leyland Cypress trees, three inch (3") caliper holly plants, three inch (3") caliper ligustrum plants and three inch (3") caliper wax myrtles, and shall be located so as to obscure the buildings and light sources on the property as measured from the public right-of-way on Horse Pen Creek Road.
- 7) The driveway location shall be subject to NCDOT and GDOT approval.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective upon the date of annexation.

(Signed) Florence Gatten

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits of property located at 5723 and 5731 Eckerson Road-22.312 acres and introduced so that these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning Agricultural and RS-12 Residential Single Family to City zoning RS-7 Residential Single Family for property located on the west side of Eckerson Road north of Butterfield Drive and north of the terminus of Landerwood Drive. He stated that these items were continued from the September 2, 2003 Council meeting.

Mr. Martin outlined the requests; he presented a land use map and slides of the property and surrounding area.

The Mayor asked if anyone wished to speak to these matters.

Terry Lee, residing at 5825 Hagan Stone Park in Pleasant Garden, North Carolina, spoke in favor of the proposed items. He stated he was owner and developer of the property, spoke to various details of the proposed development and advised that he was not aware of community opposition.

Mr. Martin provided the following staff recommendation:

Item 9 - Eckerson Road

The Planning Department recommends that this original zoning request be approved.

The Planning Board unanimously recommended the annexation of this property at their July 16, 2003 meeting.

This property is approximately 2,000 feet south of the previously annexed Reedy Fork Ranch development and is immediately north of the Briarwood Subdivision which is zoned RS-12.

It is in the Tier 1 Growth Area.

Tier 1 or the Current Growth Area is where infrastructure systems are in place, can be economically provided and/or will be proactively extended and where continued annexation and consolidation of the City's development pattern will be encouraged over the next ten years.

This property is on the border of Low Residential (3-5 dwelling units/acre) and Industrial/Corporate Park according to the Generalized Future Land Use Plan.

Staff feels that this tract meets the intent of Low Residential with tracts to the north along Eckerson Road being better suited to Industrial/Corporate Park.

This request is compatible with comprehensive plan objectives to promote compact, urban development and provide affordable housing opportunities

Councilmember Johnson moved that the public hearing be closed. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council.

Councilmember Johnson moved adoption of the ordinance annexing territory to the corporate limits of property located at 5723 and 5731 Eckerson Road- 22.312 acres. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-204 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 5723 AND 5731 ECKERSON ROAD – 22.312 ACRES)

Section 1. Pursuant to G.S. 160A-58.1 et seq., the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro satellite corporate limits (as of July 31, 2003), said point being in the west line of Young Men's Christian Association of Greensboro, Inc., and also being the southeast corner of Morehead United Methodist Church; THENCE PROCEEDING WITH THE EXISTING SATELLITE CITY LIMITS S 03° 28' 53" W 94.51 feet to a point; thence S 07° 32' 07" W 173.75 feet to a corner with Laura B. and Reba M. Stanley, as recorded in Deed Book 2568, Page 298 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE SATELLITE CITY LIMITS N 86° 15' 06" W 57.71 feet along the east line of The Shadow Group, L.L.C., as recorded in Deed Book 5269, Page 1835 in the Office of the Register of Deeds, to a point; thence S 03° 37' 52" W 382.61 feet along the east line of The Shadow Group to its southeast corner; thence N 86° 13' 32" W 428.00 feet along the south line of The Shadow Group to its southwest corner; thence N 03° 12' 33" W 404.97 feet along the west line of The Shadow Group to a point; thence N 86° 42' 49" W 248.17 feet along the west line of The Shadow Group to a point; thence N 10° 57' 18" W 38.75 feet along the west line of The Shadow Group to a point; thence N 11° 27' 28" W 160.21 feet along the west line of The Shadow Group to a point; thence N 07° 14' 32" E 99.88 feet along the west line of The Shadow Group to a point; thence N 20° 52' 08" W 100.00 feet along the west line of The Shadow Group to a point within the right-of-way of Horse Pen Creek Road; thence N 65° 48' 11" E 521.28 feet to another point within the right-of-way of Horse Pen Creek Road; thence S 15° 23' 01" E 198.03 feet along the east line of The Shadow Group to a point; thence S 82° 14' 24" E 93.96 feet along the east line of The Shadow Group to a point; thence N 81° 51' 54" E 29.56 feet along the east line of The Shadow Group to a point in the west line of Morehead United Methodist Church; thence S 01° 29' 27" W 194.38 feet along the east line of The Shadow Group to the southwest corner of Morehead United Methodist Church; thence S 87° 02' 19" E 164.93 feet along the east line of The Shadow Group to the point and place of BEGINNING, and containing approximately 11.97 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after November 30, 2003, the liability for municipal taxes for the 2003-2004 fiscal year shall be prorated on the basis of 7/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2004. Municipal ad valorem taxes for the 2004-2005 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after November 30, 2003.

(Signed) Yvonne J. Johnson

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Councilmember Vaughan moved adoption of the ordinance establishing original zoning classification from County Zoning Agricultural and RS-12 Residential Single Family to City zoning RS-7 Residential Single Family for property located on the west side of Eckerson Road north of Butterfield Drive and north of the terminus of Landerwood Drive. The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-205 AMENDING OFFICIAL ZONING MAP

WEST SIDE OF ECKERSON ROAD NORTH OF BUTTERFIELD DRIVE AND NORTH OF THE TERMINUS OF LANDERWOOD DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural and RS-12 Residential Single family to City Zoning RS-7 Residential Single Family uses for the area described as follows:

BEGINNING at a point, said point being the southeast corner of Jesus Is the Answer Deliverance Sanctuary, as recorded in Deed Book 4445, Page 1415 in the Office of the Register of Deeds of Guilford County, said point being in the north line of Lot 14 in Section 1 of Briarwood Subdivision, as recorded in Plat Book 81, Page 54 in the Office of the Register of Deeds; thence N 86° 58' 00" W 1,250.34 feet along the north line of said Section 1 and the north line of Section 2 of said subdivision, as recorded in Plat Book 85, Page 88 in the Office of the Register of Deeds, to a point in the north line of Lot 27 of said Section 2; thence N 09° 48' 07" W 220.85 feet along the west line of Jesus Is the Answer Deliverance Sanctuary to the southwest corner of Terry L. and Steven C. Lee, as recorded in Deed Book 5670, Page 1128 in the Office of the Register of Deeds; thence N 01° 09' 20" W 405.85 feet along the west line of Lee to Lee's northwest corner; thence N 80° 30' 17" E 1,128.13 feet along the north line of Lee to a point in the west right-of-way line of Eckerson Road (NCSR # 2790); thence S 33° 40' 49" E 304.72 feet along said right-of-way line to a point; thence continuing with said right-of-way line with a curve to the right having a radius of 503.62 feet and a chord bearing and distance of S 23° 26' 37" E 179.00 feet to a point in Lee's south line; thence continuing with said right-of-way line S 13° 12' 25" E 188.57 feet to a point in the north line of Clarence J. Humphrey; thence S 82° 40' 05" W 159.86 feet along Humphrey's north line to Humphrey's northwest corner; thence S 09° 05' 06" E 257.10 feet along Humphrey's west line the point and place of BEGINNING, and containing approximately 22.312 acres.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Donald R. Vaughan

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The Mayor stated that this was the time and place set for a public hearing to consider a resolution closing Luther Street, from Bluford Street southward to its end, a distance of approximately 253 feet.

The Mayor asked if anyone wished to speak to this matter. No one present stated they wished to be heard.

Following brief remarks by Mr. Martin, Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

193-03 RESOLUTION CLOSING LUTHER STREET, FROM BLUFORD STREET SOUTHWARD TO ITS END, A DISTANCE OF APPROXIMATELY 253 FEET

WHEREAS, the owner of all of the property abutting both sides of Luther Street, from Bluford Street southward to its end, a distance of approximately 253 feet has requested in writing that said street be closed to the general public and the City's interest therein released;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, September 16th, 2003 at 6:00 p.m. on the closing of said street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owner of all of the property abutting both sides of the hereinafter mentioned street has requested in writing that said street be closed to the general public and the City's interest therein released.
2. That the City Council hereby finds as a fact that the closing of the street to the general public is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of the reasonable means of ingress or egress to his or its property.
3. That the following street is hereby permanently closed to the general public and the City's interest therein released:

LUTHER STREET, FROM BLUFORD STREET SOUTHWARD TO ITS END, A DISTANCE OF APPROXIMATELY 253 FEET

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Claudette Burroughs-White

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Mayor Holliday stated this was the time and place set for a public hearing to consider a resolution closing Ella Place, from Nile Place southward to Sims Road, a distance of approximately 960 feet and Sims Road, from Ella Place eastward to 74.47 feet west of Aloe Road, a distance of approximately 330 feet.

Mr. Martin provided brief comments.

The Mayor asked if anyone wished to speak to this matter.

Frank Auman, residing at 303 St. Lawrence Drive, expressed his support for the proposed street closing.

Councilmember Vaughan moved that the public hearing be closed. The motion was seconded by Councilmember Jessup and unanimously adopted by voice vote of Council.

Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by

Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

194-03 RESOLUTION CLOSING ELLA PLACE, FROM NILE PLACE SOUTHWARD TO SIMS ROAD, A DISTANCE OF APPROXIMATELY 960 FEET AND SIMS ROAD, FROM ELLA PLACE EASTWARD TO 74.47 FEET WEST OF ALOE ROAD, A DISTANCE OF APPROXIMATELY 330 FEET

WHEREAS, the owners of all of the property abutting both sides of Ella Place, from Nile Place southward to Sims Road, a distance of approximately 960 feet, and Sims Road, from Ella Place eastward to 74.47 feet west of Aloe Road, a distance of approximately 330 feet, have requested in writing that said streets be closed to the general public and the City's interest therein released;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, September 16, 2003 at 6:00 p.m. on the closing of said street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

- 5. That the City Council hereby finds as a fact that the owner of all of the property abutting both sides of the hereinafter mentioned street has requested in writing that said street be closed to the general public and the City's interest therein released.
- 6. That the City Council hereby finds as a fact that the closing of the street to the general public is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of the reasonable means of ingress or egress to his or its property.
- 7. That the following street is hereby permanently closed to the general public and the City's interest therein released:

ELLA PLACE, FROM NILE PLACE SOUTHWARD TO SIMS ROAD, A DISTANCE OF APPROXIMATELY 960 FEET

SIMS ROAD, FROM ELLA PLACE EASTWARD TO 74.47 FEET WEST OF ALOE ROAD, A DISTANCE OF APPROXIMATELY 330 FEET

- 8. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Claudette Burroughs-White

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Moving to the Consent Agenda, Councilmember Carmany moved adoption of the Consent Agenda. The motion was seconded by Councilmember Perkins; the Consent Agenda was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-206 AN ORDINANCE CHANGING NAME OF STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the following street name change is hereby authorized to become effective immediately:

PRESENT NAME	PORTION	NEW NAME
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Central Plaza Court

West Market Street northward
to the present City limit line

Frances Daily Court

(Signed) Sandra G. Carmany

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197-03 RESOLUTION CALLING A PUBLIC HEARING FOR OCTOBER 8, 2003 ON THE ANNEXATION OF
TERRITORY TO THE CORPORATE LIMITS – PROPERTY LOCATED AT 3661 BRIARMEADE ROAD --
2.088 ACRES

WHEREAS, the owner of all the hereinafter described property, which is non-contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 16th day of September, 2003, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 3661
BRIARMEADE ROAD – 2.088 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro satellite city limit line (as of July 31, 2003), said point lying in the northwest right-of-way line of Briarmeade Road and being the easternmost corner of Thomas McRedmond, as recorded at Plat Book 131, Page 8 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS S 44° 43' 44" W 305.82 feet along said right-of-way line to McRedmond's westernmost corner; thence N 62° 40' 15" W 192.44 feet along McRedmond's southwest line to a point in the existing satellite city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 62° 40' 15" W 28.83 feet along said southwest line to McRedmond's westernmost corner; thence N 27° 19' 44" E 166.09 feet along McRedmond's northwest line to a point; thence N 56° 20' 05" E 301.45 feet along said line to McRedmond's northernmost corner; thence S 25° 53' 45" E 105.04 feet along McRedmond's northeast line to a point; thence S 44° 43' 44" W 10.60 feet along said line to a point; thence S 25° 53' 45" E 112.61 feet along said line to the point and place of BEGINNING, and containing approximately 2.088 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after December 31, 2003, the liability for municipal taxes for the 2003-2004 fiscal year shall be prorated on the basis of 6/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2004. Municipal ad valorem taxes for the 2004-2005 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after December 31, 2003.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Wednesday, October 8, 2003 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than September 28, 2003.

(Signed) Sandra G. Carmany

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196-03 RESOLUTION CALLING A PUBLIC HEARING FOR OCTOBER 8, 2003 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – PROPERTY LOCATED AT 3908 BURLINGTON ROAD – 0.4 ACRES

WHEREAS, the owners of all the hereinafter described property, which is non-contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 16th day of September, 2003, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 3908 BURLINGTON ROAD – 0.4 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro satellite city limits (as of August 31, 2003), said point being on the south line of property acquired in fee simple by the North Carolina Department of Transportation in order to widen U.S. Highway 70, said point also being on the east line of Lot 15 of Subdivision of the Land of J. W. Alexander, as recorded at Plat Book 10, Page 50 in the Office of the Register of Deeds of Guilford County; thence DEPARTING FROM THE EXISTING CITY LIMITS in a southerly direction with the east line of said Lot 15 to the southeast corner of said Lot 15; thence in a westerly direction with the south lines of Lots 15, 14, 13, and 12 of said subdivision 100 feet to the southwest corner of said Lot 12; thence in a northerly direction with the west line of said Lot 12 to its intersection with the south line of property acquired in fee simple by the North Carolina Department of Transportation in order to widen U.S. Highway 70, said point being in the existing satellite city limits; THENCE PROCEEDING WITH THE EXISTING SATELLITE CITY LIMITS in an easterly direction along said south line approximately 100 feet to the point and place of BEGINNING, and containing approximately 0.4 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after December 31, 2003, the liability for municipal taxes for the 2003-2004 fiscal year shall be prorated on the basis of 6/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2004. Municipal ad valorem taxes for the 2004-2005 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after December 31, 2003.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Wednesday, October 8, 2003 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than September 28, 2003.

(Signed) Sandra G. Carmany

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196-03 RESOLUTION CALLING A PUBLIC HEARING FOR OCTOBER 8, 2003 ON THE ANNEXATION OF
TERRITORY TO THE CORPORATE LIMITS – PROPERTY LOCATED AT 108, 114, 115 and 117
BUCHANAN CHURCH ROAD – 30.5 ACRES

WHEREAS, the owners of all the hereinafter described property, which is non-contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 16th day of September, 2003, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 108,
114, 115 AND 117 BUCHANAN CHURCH ROAD – 30.5 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing (as of August 31, 2003) Greensboro satellite city limits, said point being the intersection of the south line of property acquired by the North Carolina Department of Transportation in order to widen U.S. Highway 70 and the east line of property acquired by the North Carolina Department of Transportation in order to improve a section of Buchanan Church Road to tie it into the widening of U.S. Highway 70; THENCE DEPARTING FROM THE EXISTING SATELLITE CITY LIMITS in a southerly direction along said east line and the east right-of-way line of Buchanan Church Road 231.69 feet to a point in the south line of Property of Elsie B. Lee, as recorded in Plat Book 11, Page 92 in the Office of the Register of Deeds of Guilford County; thence S 87° 27' E approximately 250 feet along the south lines of Lots 75 through 66 of said subdivision to the southeast corner of said Lot 66; thence S 87° 34' E 101.64 feet along the south lines of Lots 65 through 62 of said subdivision to the southeast corner of said Lot 62; thence S 88° 09' E 101.84 feet along the south lines of Lots 61 through 58 of said subdivision to the southeast corner of said Lot 58; thence S 89° 20' E 102.2 feet along the south lines of Lots 57 through 54 of said subdivision to the southeast corner of said Lot 54; thence N 89° 36' E 102.48 feet along the south lines of Lots 53 through 50 of said subdivision to the southeast corner of said Lot 50; thence N 88° 35' E 102.68 feet along the south lines of Lots 49 through 46 of said subdivision to the southeast corner of said Lot 46; thence N 87° 26' E 102.92 feet along the south lines of Lots 45 through 42 of said subdivision to the southeast corner of said Lot 42; thence N 86° 41' E 99.6 feet along the south Lines of Lots 41 through 38 of said subdivision to the southeast corner of said Lot 38; thence N 04° 40' 44" E approximately 140 feet along a property line of Pierre A. and Carolyn E. Gorla, as recorded in Deed Book 3125, Page 935 in the Office of the Register of Deeds, to a corner; thence S 85° 54' 16" E 500.00 feet along Gorla's north line to Gorla's northeast corner; thence S 04° 45' 44" W

914.42 feet along Gorja's east line to Gorja's southeast corner; thence N 85° 48' 16" W 500.00 feet along Gorja's south line to a corner; thence S 05° 09' 44" W 36.20 feet along Gorja's south line to Ethel M. Seymore's northeast corner; thence S 60° 07' 59" W 196.93 feet along Gorja's south line to Gorja's southwest corner; thence in a westerly direction, crossing Buchanan Church Road, approximately 60 feet to the easternmost corner of Lot 17 of Buchanan Heights Subdivision, as recorded in Plat Book 25, Page 38 in the Office of the Register of Deeds; thence N 36° 28' W along the southwest right-of-way line of Buchanan Church Road 460 feet to the easternmost corner of Lot 1 of said subdivision; thence S 53° 32' W 200 feet along the southeast line of said Lot 1 to the southernmost corner of said Lot 1; thence N 36° 28' W along the southwest line of Lot 1 and the projection thereof 226.68 feet to the westernmost corner of a property of Pierre A. and Carolyn E. Gorja; thence N 53° 32' E 200 feet along the northwest line of Gorja to Gorja's northernmost corner; thence in a northwesterly direction along the southwest right-of-way line of Buchanan Church Road approximately 250 feet to the easternmost corner of another property of Pierre A. and Carolyn E. Gorja; thence S 55° 16' 00" W 177.01 feet along Gorja's southeast line to a point in the east line of Lot 190 of Buchanan Heights Subdivision; thence S 03° 40' W 170.89 feet along the east line of said Lot 190 to a corner with Lot 51 of said subdivision; thence S 53° 32' W 434 feet along the southeast line of said Lot 190 to the westernmost corner of Lot 189 of said subdivision; thence N 80° 39' W 143.8 feet along the south line of Lot 190 to its southwest corner; thence N 17° 22' E 744.7 feet along the west line of Lot 190 to its northwest corner; thence with the center of the railroad track S 88° 05' E 286.20 feet to its intersection with the west right-of-way line of Buchanan Church Road; thence in a northerly direction with said west right-of-way line approximately 280 feet to a monument in the south line of property acquired by the North Carolina Department of Transportation in order to widen U.S. Highway 70, said point being in the existing satellite city limits; THENCE PROCEEDING WITH THE EXISTING SATELLITE CITY LIMITS in an easterly direction approximately 70 feet to the point and place of BEGINNING, and containing approximately 30.5 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after December 31, 2003, the liability for municipal taxes for the 2003-2004 fiscal year shall be prorated on the basis of 6/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2004. Municipal ad valorem taxes for the 2004-2005 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after December 31, 2003.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Wednesday, October 8, 2003 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than September 28, 2003.

(Signed) Sandra G. Carmany

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198-03 RESOLUTION AUTHORIZING AND APPROVING SALE OF LAND TO NORTH URBAN, INC.

WHEREAS, the City of Greensboro owns residual property located at 2106 Finley Street at Tax Map Number 106-7-4, said property being shown on the attached map, for which the City has no governmental or other public need;

WHEREAS, North Urban, Inc. has offered to purchase said property for the amount of \$19,033, which amount, in the opinion of the City Council is fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.122 of the City Charter, the sale of the above mentioned residual property in the amount of \$19,033 is hereby approved and the sale of land to North Urban, Inc. is hereby authorized; and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper deed to convey said property.

(Signed) Sandra G. Carmany

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199-03 RESOLUTION AUTHORIZING AND APPROVING SALE OF LAND TO LINNANE CONSTRUCTION COMPANY, INC.

WHEREAS, the City of Greensboro owns residual property located at 1205 Willard Street at Tax Map Number 195-11-14, said property being shown on the attached map, for which the City has no governmental or other public need;

WHEREAS, Linnane Construction Company, Inc. has offered to purchase said property for the amount of \$14,850, which amount, in the opinion of the City Council is fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.122 of the City Charter, the sale of the above mentioned residual property in the amount of \$14,850 is hereby approved and the sale of land to Linnane Construction Company, Inc. is hereby authorized; and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper deed to convey said property.

(Signed) Sandra G. Carmany

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200-03 RESOLUTION AUTHORIZING PURCHASE OF PROPERTY OF STONEY CREEK PARTNERS, LLC FOR THE BURLINGTON ROAD WATERLINE

WHEREAS, in connection with the Burlington Road waterline project, the property owned by Stoney Creek Partners, L.L.C., Tax Map No. 18-1175-176-3 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$68,336.00 and the owner has agreed to settle for the price of \$89,874.00, which settlement, in the opinion of the City Council, is a fair and reasonable alternative to condemnation;

WHEREAS, the owner has agreed to convey said property to the City at the agreed price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the agreed price of the above mentioned portion of property in the amount of \$89,874.00 is hereby approved, and the purchase of the property in accordance with the agreed price is hereby authorized, payment to be made from Account No. 503-7012-01.6012 CBR 002.

(Signed) Sandra G. Carmany

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201-03 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING PURCHASE OF PROPERTY OF
ADDISON POINT, LLC FOR THE ALOE ROAD OUTFALL

WHEREAS, in connection with the Aloe Road Outfall improvements project, the property owned by Addison Point, LLC, Tax Map No. 1-128-893-16 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$17,936.00, which appraisal, in the opinion of the City Council, is fair and reasonable;

WHEREAS, the owner has agreed to convey said property to the City at the appraised price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appraisal of the above mentioned portion of property in the amount of \$17,936.00 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from Account No. 503-7012-01.6012 CBR 005.

(Signed) Sandra G. Carmany

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202-03 RESOLUTION AUTHORIZING PURCHASE BY GUILFORD COUNTY OF PROPERTY OWNED BY
CHEEK'S USED AUTO PARTS, LLC UNDER CITY-COUNTY AGREEMENT PROVIDING FOR
PROTECTION OF EXISTING AND PROPOSED PUBLIC WATER SUPPLIES

WHEREAS, the City of Greensboro and Guilford County entered into an agreement on 17 August 1989 for the purpose of providing protection to existing and proposed public water supplies;

WHEREAS, this agreement states that the County will consult with the City and obtain its consent to any acquisition or construction as they relate to protection of the Greensboro Watershed;

WHEREAS, the County is purchasing 2.7 acres in Tiers II and III on Yanceyville Street, approximately 550 feet from Lake Townsend from Cheek's Used Auto Parts, LLC;

WHEREAS, the proposed purchase price for this property is \$150,000;

WHEREAS, Guilford County has requested concurrence by the City for the purchase of this tract of land as required by the agreement;

WHEREAS, the County shall convey a one-half undivided interest in any property so acquired to the City of Greensboro under a reimbursement formula contained in paragraph 4 of said agreement;

WHEREAS, it is deemed to be in the best interest for the City to concur with Guilford County's purchase of this tract as required by the agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, in accordance with the agreement entered into with Guilford County on 17 August 1989 for providing protection to existing and proposed public water supplies, it hereby concurs with and authorizes the purchase by Guilford

County of property owned by Guilford County of property owned by Cheek's Used Auto Parts, LLC which is located on Yanceyville Street 550 feet from Lake Townsend in the amount of \$150,000.

(Signed) Sandra G. Carmany

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03-207 ORDINANCE ESTABLISHING GRANT PROJECT BUDGET FOR THE FISCAL YEAR 2003-04 FTA
SECTION 5303 METROPOLITAN PLANNING GRANT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That the Grant Project Budget for the FY 2003-04 FTA Section 5303 Metropolitan Planning Grant be established for the life of the project as follows.

Account	Description	Amount
220-4559-01-4000	Salaries and Wages	\$26,300
220-4559-01.4500	Fringe Benefits	7,615
220-4559-01.5413	Consultant Services	23,600
220-4559-01.5520	Seminar/Training Expenses	4,774
220-4559-01.5928	In-Kind Services	6,921
TOTAL		\$69,210

And, that this increase be financed by increasing the following revenue accounts:

Account	Description	Amount
220-4559-01.7000	Federal Grant	\$55,368
220-4559-01.7110	State Grant	6,921
220.4559-01.8695	In-Kind Services	6,921
TOTAL		\$69,210

(Signed) Sandra G. Carmany

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203-03 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2002-56 WITH ASI, RCC, INC. FOR
THE LAKE BRANDT DAM REHABILITATION IMPROVEMENTS

WHEREAS, Contract No. 2002-56 with ASI, RCC, Inc. provides for the rehabilitation improvements for the Lake Brandt Dam;

WHEREAS, after beginning the extraction of the gates and gate operators, the true condition of this critical equipment has been discovered, thereby necessitating a change order in the contract in the amount of \$527,900.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with ASI, RCC, Inc. for the Lake Brandt Dam Rehabilitation Improvements is hereby authorized at a total cost of \$527,900, payment of said additional amount to be made from Account No. 509-7064-01.6019 001.

(Signed) Sandra G. Carmany

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A motion to approve report of budget adjustments covering period August 1-31, 2003 was unanimously approved. (A copy of the report is filed in Exhibit Drawer O, Exhibit Number 1 and is hereby referred to and made a part of the minutes.)

.....

Mayor Holliday introduced an ordinance amending in the amount of \$129,659 the Libraries Bond Series 2003 Capital Project Fund Budget for the inclusion of the Reading and Art Garden at Hemphill Library.

Sandy Neerman, Library Director, provided an update and information that pertained to the project. She thanked staff in the Engineering Department for their work on the project and introduced members of the project planning team; she requested Council to approve the contract bid for the new library.

Patrick Deaton, architect with J. Hyatt Hammond and Associates, described the appearance and goals of landscape, interior and exterior plans for the library. He thanked participants in the design and bidding process.

Bob Cone, Director of the non-profit Greensboro Library Foundation, stated that the Foundation would grant the funds to the City to facilitate the building of a new art and reading garden which was not in the original project budget.

Following brief discussion, Council expressed their appreciation and gratitude to the Library Foundation.

Councilmember Gatten moved adoption of the ordinance. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-208 ORDINANCE AMENDING THE LIBRARIES BOND SERIES 2003 CAPITAL PROJECT FUND BUDGET FOR THE INCLUSION OF THE READING AND ART GARDEN AT HEMPHILL LIBRARY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Libraries Bond Series 2003 Capital Project Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Libraries Bond Series 2003 Capital Project Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
447-5501-01.6019	Other Capital Improvements	\$129,659

and, that this increase be financed by increasing the following Libraries Bond Series 2003 Capital Project Fund account

<u>Account</u>	<u>Description</u>	<u>Amount</u>
447-5501-01.8620	Donations	\$129,659

(Signed) Florence F. Gatten

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The Mayor introduced a resolution approving bid in the amount of \$1,787,373 and authorizing Contract No. 2003-10 with R. L. Casey, Inc. for the Hemphill Branch Library.

Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by

Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

204-03 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2003-10 WITH R.L. CASEY, INC. FOR THE HEMPHILL BRANCH LIBRARY PROJECT

WHEREAS, after due notice, bids have been received for the Hemphill Branch Library construction project;

WHEREAS, R. L. Casey, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$1,787,373 as general contractor for Contract No. 2003-10, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by R.L. Casey, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$1,787,373 from Account No. 447-5501-01.6019 Act. 01132.

(Signed) Claudette Burroughs-White

(A tabulation of bids for Contract Number 2003-10 for the Hemphill Branch Library is filed with the above resolution and is hereby referred to and made a part of these minutes.)

.....

Mayor Holliday introduced an ordinance establishing in the amount of \$3,292,950 Grant Project Budget for the Fiscal Year 2002 FTA Section 5307 Capital Assistance Grant.

Jim Westmoreland, Director of the Department of Transportation, provided a power point presentation which outlined the proposed use of funds with respect to fleet enhancement.

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Councilmember Jessup left the Chamber at 7:12 p.m.

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Following brief discussion by Council, Councilmember Phillips moved the ordinance. The motion was seconded by Councilmember Carmany, the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Jessup (voting in absentia as provided for by law), Perkins, Phillips and Vaughan. Noes: None.

03-209 ORDINANCE ESTABLISHING GRANT PROJECT BUDGET FOR THE FISCAL YEAR 2002 FTA SECTION 5307 CAPITAL ASSISTANCE GRANT

Section 1. That the Grant Project Budget for the FY 2002 FTA Section 5307 Capital Assistance Grant be established for the life of the project as follows.

<u>Account</u>	<u>Description</u>	<u>Amount</u>
565-4550-01.6051	Licensed Vehicles	\$3,292,950

And, that the capital improvements be financed by the following revenue accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
565-4550-01.7000	Federal Grant	\$2,634,360

565-4550-01.7110	State Grant	\$ 329,295
565-4550-01.9564	Transfer From Transit Fund	<u>\$ 329,295</u>
	Total	\$3,292,950

(Signed) Thomas M. Phillips

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The Mayor introduced a resolution authorizing the refinancing plans for St. James II Project.

Andy Scott, Director of the Housing and Community Development Department, explained that the request was for permission to subordinate the City's second mortgage to allow the property owner to refinance and raise money to complete the rehabilitation of the property. He advised that the City's previous receipt of federal Housing and Urban Development grant funds obligated the City to support the property rehabilitation or repay the grant.

After Council discussed details of the proposed rehabilitation program, Councilmember Perkins expressed his opinion that the loan costs were excessively high; he suggested consideration of an alternative financing strategy and spoke to additional concerns with respect to the need for an overall rehabilitation plan for this area. Mr. Scott advised that the property owners had been unable to obtain a better refinancing agreement and that the proposal would, in his opinion, stabilize a small part of the Elm Eugene Street Corridor.

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Councilmember Jessup entered the Chamber at 7:15 p.m.

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Following additional discussion, Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Phillips and Vaughan. Noes: Perkins.

205-03 RESOLUTION AUTHORIZING THE REFINANCE PLANS FOR ST. JAMES II PROJECT

WHEREAS, the original first mortgage for St. James Homes II project expires on September 30, 2003;

WHEREAS, The Christian Counseling and Wellness Group is in the process of obtaining refinancing with terms which will allow the project to complete the rehabilitation of buildings 1211 and 1215;

WHEREAS, the St. James Homes II Board wishes to transfer ownership of the project to The Christian Counseling and Wellness Group;

WHEREAS, with Council approval the City is to provide a loan assumption agreement for the Christian Counseling and Wellness Group to take ownership of the property and assume responsibility for the City loan and HOME program restrictions;

WHEREAS, Continental Mortgage Capital has pre-approved Christian Counseling for a loan of up to \$412,000 including a base loan payoff to Bank of America of \$308,890.31, funds for rehabilitation of \$77,923 and closing costs not to exceed the balance;

WHEREAS the City is to approve the proposed or similar refinancing with the condition that the City remain in second position and that the final terms are not harmful to the long term viability of the project.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF GREENSBORO THAT:

1. The transfer of ownership of the St. James Homes II project from St. James II Board to The Christian Counseling and Wellness Group is hereby approved.

2. That the assumption of the City's loan by The Christian Counseling and Wellness Group with loan agreement amendments as necessary to meet HUD approval of HOME program requirements and project stability is hereby approved.

3. That the City Staff is hereby authorized to approve the proposed or similar refinancing with the condition that the City remain in second position and that the final terms are not harmful to the long term viability of the project.

(Signed) Yvonne J. Johnson

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Following brief remarks by Assistant City Manager Bob Morgan, Councilmember Gatten moved to establish structure of Connections 2025 Monitoring Committee as outlined in a memo to the City Manager from the Planning Director. The motion was seconded by Councilmember Carmany and adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

(A copy of the memo is filed in Exhibit Drawer O, Exhibit # 14 and is hereby referred to and made a part of the minutes.)

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The Mayor declared a recess at 7:40 p.m.

The Council meeting reconvened at 7:56 with all members of Council present.

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Captain Bill Ingold of the Police Department provided an update on local preparation efforts and suggestions for citizens in anticipation of the potential impact of Hurricane Isabella.

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The Mayor introduced a resolution adopting a resolution adopting the revised standards for Wrecker Service, and introduced so that these matters could be discussed together a resolution adopting a new contract for wrecker service and an ordinance amending Chapter 16 of the Greensboro Code of Ordinances.

Captain Ingold outlined changes in the proposed new contract, noted the agreement had not been updated since 1997 and spoke to the benefits of the regulatory aspects of the proposed contract in terms of public safety and fair and equitable public access to wrecker services.

Michael Chiusano, residing at 201 Sussman Street, stated he owned Casey's Auto Service, Inc. He spoke to what was in his opinion, a negative impact of price regulation which did not allow business owners to adjust prices to compensate for unforeseen cost increases.

Dennis Harris, of Harris Towing, spoke to his history in the wrecker business, his businesses association with the City and the length of time that had passed since the last towing price increase. He offered numerous reasons why he did not agree with the proposed change in the contract to regulate towing prices in cases involving wrecks.

Brian Kirkman, of Spotlight Enterprises, spoke to numerous aspects of his business and experience in the wrecker industry. He expressed concern with a part of the agreement that regulated prices for towing wrecks and shared his opinion that the number of complaints about towing rates involving wrecks compared to the number of wrecks towed was relatively low. He suggested that on this basis, towing rates for towing wrecked vehicles should not be regulated.

Captain Ingold advised that because wreckers were called by police to accident scenes on a rotating basis, it was necessary to insure that all service providers charged citizens on an equitable basis. He addressed numerous questions and

spoke to the ability of Council to adjust the rates set in the ordinance in the future if appropriate.

During lengthy discussion, Councilmember Perkins requested that the Legislative Package include that remedies be sought to address cumbersome processes with other governmental agencies that were commonly encountered by wrecker companies and that Assistant City Manager Ben Brown work with wrecker companies in Greensboro to assess issues and identify potential solutions.

Councilmember Phillips moved adoption of the resolution adopting the revised standards for wrecker service. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

206-03 RESOLUTION ADOPTING THE REVISED STANDARDS FOR WRECKER SERVICE

WHEREAS, for over thirty years the City of Greensboro has regulated towing fees for vehicles impounded or seized as evidence or other similar situations;

WHEREAS, on May 20, 1991 the City Council of the City of Greensboro adopted Standards for Wrecker Service;

WHEREAS, the Standards have been revised in order to maintain equity between the various companies in their pricing and are presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the revised 'Standards for Wrecker Service' presented this day is hereby adopted.

(Signed) Thomas M. Phillips

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Councilmember Johnson moved adoption of the resolution adopting a new contract for wrecker service. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

207-03 RESOLUTION ADOPTING A NEW CONTRACT FOR WRECKER SERVICE

WHEREAS, the City regulates towing fees for vehicles impounded or seized as evidence or other similar situations;

WHEREAS, approximately ten years ago the City extended the contract towing services to a number of different towing companies;

WHEREAS, the wrecker companies are on a rotation basis and, as a result of this rotation receive a high number of accident tows not regulated by the City;

WHEREAS, it is the intention of the City to regulate these tows to maintain equity between the various companies in their pricing, said regulations reflected in the Contract for Wrecker Service presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Contract for Wrecker Service presented herewith this day is hereby adopted.

(Signed) Yvonne J. Johnson

(A copy of the adopted agreement is filed with the above resolution and is hereby referred to and made a part of the minutes.)

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Councilmember Burroughs-White moved adoption of the ordinance amending Chapter 16 of the Greensboro Code of Ordinances with respect to Motor Vehicles and Traffic (wreckers). The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-210 AMENDING CHAPTER 16

AN ORDINANCE AMENDING CHAPTER 16 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO MOTOR VEHICLES AND TRAFFIC

Sec. ~~16-39~~. Vehicle impoundment, redemption, etc.

Section 1. That Sec. 16-39 (a) of the Greensboro Code of Ordinances is hereby amended by rewriting the same to read as follows:

Sec. 16-39 (a) Law enforcement officers of the city or other city officials designated by the chief of police shall ticket or impound, or cause to be impounded the following vehicles:

Section 2. That Sec. 16-39 (d) of the Greensboro Code of Ordinances is hereby amended by rewriting the same to read as follows:

Sec. 16-39 (d) An administrative fee incurred by the city to be determined by the City Manager or his designee incident to towing an impounded vehicle shall be paid by the owner or person in charge of the impounded vehicle to the city. Upon receipt of said administrative costs, the Greensboro Police Records Division shall issue the person a receipt and a claim check authorizing the release of the impounded vehicle upon payment of appropriate towing and storage fees to the wrecker service company. The impounding fees shall be maintained in "Appendix A" of the "Standards for Wrecker Service" for the City of Greensboro.

"Appendix A" of the "Standards for Wrecker Service" for the City of Greensboro shall be reevaluated annually to be effective on July 1st each year. An increase in fees will be based upon the current year's fee schedule plus any percentage by which the Consumer's Price Index for Urban Wage Earners and Clerical Workers (1967=100) published by the Bureau of Labor Statistics, United States Department of Labor, to the nearest whole dollar.

The storage fee for towed vehicles shall be charged at a rate maintained in "Appendix A" of the "Standards for Wrecker Service", for the City of Greensboro.

Sec. 3. That Sec. 16-39 (e) of the Greensboro Code of Ordinances is hereby amended by rewriting the same to read as follows:

Sec. 16-39 (e) In the event that the owner or person in possession of a vehicle appears after a law enforcement officer or other designated city official has called for towing equipment incident to impounding a vehicle but before the vehicle has been actually removed from the scene, the law enforcement officer or other designated city official may release said vehicle to such person only upon payment to the private towing company so employed of a charge maintained in "Appendix A" of the "Standards for Wrecker Service", for the City of Greensboro. However, the officer or official shall advise the owner or other person in charge of the right to the aforementioned hearing prior to any payment. If a hearing is requested without such payment, the vehicle shall be impounded and the owner or other person in charge shall be given a hearing within forty-eight (48) hours. In the event the person desires to make payment immediately in order to obtain possession of the vehicle such person may do so provided he either signs a waiver of the hearing, or signs a request for a hearing to be held within forty-eight (48) hours. If the hearing officer determines that the towing and impounding were proper then the owner or other person in charge shall be responsible for all such costs incident to towing and storage. Upon payment of any costs affixed by the hearing officer, the owner or other person in charge shall receive the vehicle. If the hearing officer decides that the towing was not proper, the city shall be responsible for such costs or reimbursement where payment has been previously made by the owner or person in charge.

Sec. 4. That Sec. 16-39 (g) of the Greensboro Code of Ordinances is hereby amended by rewriting the same to read as follows:

Sec. 16-39 (g) Law enforcement officers of the city or other city officials designated by the chief of police shall tow or cause to be towed vehicles that the owner/driver require immediate towing services because of traffic safety issues. These towing services will be accomplished by use of the city contract towing system when the owner/driver are unable to expeditiously contact a towing service or urgent necessity requires the removal due to traffic safety issues. The fee "Appendix B" of the "Standards for Wrecker Service" for non-impounded vehicles list towing and storage fees for the city contract towing services.

Sec. 5. That Sec. 16-39 (h) of the Greensboro Code of Ordinances is hereby amended by rewriting the same to read as follows:

Sec. 16-39 (h) "Appendix B" of the "Standards for Wrecker Service" for the City of Greensboro shall be reevaluated annually to be effective on July 1st each year. An increase in fees will be based upon the current year's fee schedule plus any percentage by which the Consumer's Price Index for Urban Wage Earners and Clerical Workers (1967=100) published by the Bureau of Labor Statistics, United States Department of Labor, to the nearest whole dollar.

Sec. 6. That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Sec. 7. That this ordinance shall become effective immediately upon its adoption.

(Signed) Claudette Burroughs-White

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Councilmembers Jessup and Johnson left the Chamber at 9:15 p.m.

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Mayor Holliday introduced a resolution granting an encroachment on street rights-of-way to the University of North Carolina. Following brief remarks by Assistant City Manager Mitchell Johnson, Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Perkins, the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Jessup and Johnson (voting in absentia as provided for by law) Holliday, Perkins, Phillips and Vaughan. Noes: None.

208-03 RESOLUTION GRANTING AN ENROACHMENT ON STREET RIGHTS-OF-WAY TO THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO AS FOLLOWS: ALONG OAKLAND AVENUE, FROM THE INTERSECTION OF OAKLAND AVENUE AND KENILWORTH STREET TO FOREST STREET. AN ADDITIONAL DUCT BANK WILL EXTEND IN KENILWORTH STREET FROM THE INTERSECTION OF KENILWORTH AND THETA TO WALKER AVENUE.

WHEREAS, the University of North Carolina at Greensboro has requested an encroachment agreement from the City for the underground installment of 1740 total linear feet of concrete-encased PVC conduits with medium voltage cables, spare ducts and telecommunications conduit in order to serve the University needs;

WHEREAS, plans have been submitted to the City Utilities Coordinator for approval of the construction of the concrete-encased PVC conduits with medium voltage cables and spare ducts which would require excavation along Oakland Avenue, Theta Street, Forest Street, Kenilworth Street, and Walker Avenue;

WHEREAS, following installation, the University of North Carolina at Greensboro, will provide the necessary repair, if any, of the street in compliance with City standards;

WHEREAS, the University of North Carolina at Greensboro as a “governmental institution”, is excluded from paying an encroachment fee pursuant to Greensboro Code of Ordinances, Section 28.1-18 (a) (7) and NCGS 160A-274;

WHEREAS, the University of North Carolina at Greensboro understands that this encroachment is not for resale and cannot exist as an income producing encroachment or provide cable television. When this right-of-way use is no longer needed, the University of North Carolina at Greensboro will be responsible for the removal of infrastructure and an inspection of this site is required by the City of Greensboro, prior to City Council review, in order to terminate the agreement. Inspection fees will be charged according to the current pricing structure.

WHEREAS, in the opinion of the City Council, such encroachment easement for the installation of concrete-encased PVC conduits with medium voltage cables, spare ducts and telecommunications conduit will neither cause a public nuisance nor unreasonably interfere with the use of the streets and sidewalks by the public.

NOW THEREFORE, IT BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.128(c) of the Charter of the City of Greensboro, the University of North Carolina at Greensboro, upon the execution of an encroachment agreement prepared by the City Attorney, shall be authorized to encroach in the above described street right-of-way for the installation of concrete-encased PVC conduits with medium voltage cables, spare ducts and telecommunications conduit as shown on the attached map.

(Signed) Claudette Burroughs-White

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Councilmember Johnson returned to the Chamber at 9:17 p.m.

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Councilmember Jessup returned to the Chamber at 9:18 p.m.

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Tom Sinks, residing at 5305 Century Oaks Drive, and Kevin von der Lippe, residing on Overton Drive, requested permission to temporarily lease space at the Doug Galyon Depot to exhibit a display of the Carolina Model Railroaders . They spoke to a proposal submitted to Council members and discussed the potential value of their exhibit at the facility and advised that they could move out with two weeks notice in the event that a lease was arranged for the space with another entity. Messieurs Sinks and von der Lippe presented historic photos of the Depot to Council for display at the facility.

After Jim Westmoreland, Transportation Department Director, spoke to other space that had not yet been up-fitted for occupancy at the Depot, Council discussed the potential value of the exhibit at the facility.

Councilmember Phillips moved that the Carolina Model Railroaders be permitted to lease space at the Depot on a temporary basis. The motion was seconded by Councilmember Gatten and unanimously adopted by voice vote of Council.

(A copy of the proposal submitted from Carolina Railroaders to Council is filed in Exhibit Drawer O, Exhibit # 14 and is hereby referred to and made a part of the minutes.)

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Blair Barton-Percival, residing at 912 North Eugene Street and Delonda Farmer, residing at 3112-A Yanceyville Street, expressed strong opposition to the existing ordinance allowing stadiums downtown in the Central Business District. They expressed concern with respect to the potential negative impact of traffic from the stadium, spoke to their desire that War Memorial Stadium be utilized as a professional baseball stadium of Greensboro, and expressed disagreement with respect to City funding of infrastructure improvements associated with the private development of the baseball stadium.

Dick Grubar, residing at 104 Knollwood Drive; Tim Jones, residing at 1610 Woodridge Avenue; Zach Matheny, residing at 1232 W. Northwood; and Denny Kelly, residing at 4514 Grendel Road, stated they represented the citizen group, People for a Positive Greensboro; expressed strong support for maintaining the existing ordinance allowing stadiums downtown in the Central Business District and spoke to the scope of potential economic and cultural benefits to the community that they anticipated from the privately funded construction of a new downtown stadium.

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Cassandra Clark, residing at 2407 West Vandalia Road, stated she worked in the apparel and textile industry for Guilford Mills. Ms. Clark read a lengthy sample letter to a government trade agency on behalf of textile and apparel industries in North Carolina; she requested Council to submit a similar letter. After brief discussion with Council, Ms. Clark advised that she would email them with her request.

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George Hines, residing at 3412 Trail Ridge Drive spoke to his involvement in a grass roots effort to draw attention to the plight of immigrants. He spoke to upcoming national activities and invited Council and citizens to participate in local events.

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Mayor Holliday declared a recess at 10:10 p.m.

The meeting reconvened at 10:22 p.m. with all members of Council present.

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Michael Cook, residing at 106 Leland Drive, stated he represented the Thousand Oaks neighborhood and had appeared before Council on April 19th with regard to a street connection of Leland Drive and Wireless Drive. He spoke to the Council's vote at that meeting to not connect the streets and the existing conflict involving the proceeding of the developer to connect the streets. He requested an explanation with respect to what authority Council had over the present street connection in process.

The Mayor explained that Council had voted to allow the developer the option not to connect the streets. Council expressed concern that information provided earlier by various parties appeared to be inaccurate or had been miscommunicated.

During Council discussion, Assistant City Manager Johnson stated that a letter provided by the engineering firm, Borum Wade, representing the Dungee heirs, clarified the position of the Dungee heirs.

(A copy of the letter and a memo from Assistant Manager Johnson is filed in Exhibit Drawer O, Exhibit #14 and is hereby referred to and made a part of the minutes.)

The City Attorney advised that a petition for street closing could be submitted by adjacent property owners or under the General Statutes and that this would require legal notice for a public hearing. Speaking to legal aspects of street closings, she advised that access was required for all property owners and spoke to the percentage of owner signatures the process required.

Rufus Thomson, residing at 5 Bent Oak Court, expressed criticism of the process that had been applied to this street connection issue.

Gene Manning, residing at 307 Leland Drive, criticized the process surrounding this street connection issue. He advised that when the property was zoned, the connection of these streets had not been discussed. He stated that, in his opinion, the zoning decision was based on maintaining one-way access in and out of the neighborhood.

Assistant City Manager Johnson spoke to the implications of design and construction plans previously approved and the letter the City had received from Borum Wade and Associates; he stated that the result was that the developer,

Blumenthal Homes, had proceeded with the street connection construction. He expressed his understanding that the family owning the property believed that it was in their best interest that access to Leland Drive and Wireless Drive from Pisgah Church Road be maintained.

Council discussed at length what actions and processes would be involved to facilitate closing either Leland Drive or Wireless Drive and the potential impacts on area residents.

After the City Attorney advised that Council had the right not to accept the street access; she stated they would need a rational basis as to why not in terms of access that is different from other cases in the City, some members of Council offered that they had a rational basis because during the zoning case they had been presented with misinformation.

Following additional discussion, the Mayor advised the above mentioned speakers that the matter was in their hands and could be pursued by filing a street closing petition. The City Attorney advised citizens that a petition could be filed with the Planning Department and that the Legal Department could answer questions concerning the petition process.

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Matt Brown, Coliseum Manager updated Council on recent and upcoming Coliseum events and presented information to address questions raised in recent media articles with respect to City operation of the Generals Hockey Team at the Coliseum. He outlined the reasons for the City's decision to intervene in the team's management, spoke to common practices in team management and advised that the decision for the City to manage the team for the current year was in the City's best financial interest. Council thanked Mr. Brown for his clarification of this matter.

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Councilmember Jessup added the name of Michael Driver to the boards and commissions data bank for consideration for future service on the Minimum Housing Standards Commission.

Councilmember Jessup moved that the following boards and commissions members be reappointed to serve an additional term: Cheryl Wilson to the Greensboro Parks and Recreation Commission; this term will expire 15 August 2006; Faye Stanley to the Commission on the Status of Women; this term will expire 15 August, 2006 and James Borden to the Community Resource Board; this term will expire 15 August 2005. The motion was seconded by Councilmember Burroughs-White and unanimously adopted by voice vote of Council.

Councilmember Jessup advised Council that he planned to make a motion at the following Council meeting to request that they consider increasing all boards to have at least five Council appointments so that District 1 could be represented on all boards. Following brief discussion, the Mayor requested the Clerk to furnish Council with relative information prior to the next meeting.

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Councilmember Carmany provided a brief update on her recent visit to Moldova as part of a forty-five member Delegation and extended greetings to the Council from Mayor Nmerenco, of Greensboro's Sister City, Buicanni in Moldova.

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Councilmember Perkins expressed strong concern as he spoke to recent job losses and bankruptcy filings in Greensboro. Following Council discussion, he moved that Council instruct the City Manager to form a staff committee to aggressively initiate job preservation activities. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of Council.

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Mayor Holliday added the name of David Noble to the boards and commissions data bank for consideration for future service.

The Mayor added the name of James S. Collins to the boards and commissions data bank for consideration for future service on the Historic Preservation Commission.

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During discussion concerning the upcoming North Carolina League of Municipalities meeting, Councilmember Carmany moved that Mayor Holliday be appointed to serve as voting delegate and Councilmember Jessup to serve as voting delegate alternate for the City of Greensboro. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of Council.

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Council discussed recent and upcoming community events.

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Assistant City Manager Johnson announced that Butch Simmons, Engineering and Inspections Director, had been appointed to serve a term on the North Carolina Building Code Council and spoke to the importance of building codes with respect to their impact on economic development.

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Councilmember Johnson moved that the City Council adjourn the meeting. The motion was seconded by Councilmember Burroughs-White and unanimously adopted by voice vote of Council.

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The City Council meeting was adjourned at 11:50 p.m.

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Susan E. Crotts
Deputy City Clerk

Keith A. Holliday
Mayor
